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(SPACE BELOW FOR FILING STAMP ONLY)

FILED

MAR 19 1996

Commission on
Judicial Performance

Attorneys for Respondent,
Bert L. Swift

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

No.

INQUIRY CONCERNING A JUDGE

NO. 134

VERIFIED ANSWER OF BERT L.
SWIFT TO THE NOTICE OF
FORMAL PROCEEDINGS DATED
FEBRUARY 6, 1996

Bert L. Swift, a Judge of the San Bernardino County Municipal Court, Morongo Basin Division, Answers the Notice of Formal Proceedings as follows (as the paragraphs of the Notice of Formal Proceedings are unnumbered and many of the paragraphs contain multiple allegations, Respondent has broken down the Notice of Formal Proceedings into separate numbered parts). So that the Commission may following the numbering of this Answer, a copy of the renumbered Notice of Formal Proceedings is attached hereto, marked Exhibit A, and incorporated herein by reference. The paragraph numbering of the Answer follows the numbering set forth on Exhibit A.

(1) Answering Paragraph (1), Respondent admits the allegations of said paragraph.

1 (2) Answering Paragraph (2), Respondent admits that the
2 search warrant and supporting affidavit specified that the premises
3 to be searched was the residence of Tony Soares located at 82528
4 Quail Springs Road in Joshua Tree. With reference to the
5 allegation that the items to be seized were Native American
6 artifacts allegedly stolen from the Joshua Tree National Monument,
7 Respondent alleges that the warrant specifically sets forth three
8 items, namely, an olla, a metate, and "manos." The warrant does not
9 refer to Native America artifacts.

10 (3) Answering Paragraph (3), Respondent admits the
11 allegations of said paragraph.

12 (4) Answering Paragraph (4), Respondent admits that once he
13 ascertained that the premises sought to be searched were owned by
14 him and his wife and that the focus of the search was his stepson,
15 that there was a conflict of interest which precluded Respondent
16 from issuing or denying the search warrant.

17 (5) Answering Paragraph (5), Respondent has no recollection
18 as to when he stopped reading the search warrant documents.
19 However, there is no issue in this case as to the propriety of
20 Respondent reading the documents. The issue is whether Respondent
21 should have disqualified himself from issuing or rejecting the
22 warrant. Respondent in fact did disqualify himself.

23 (6) Answering Paragraph (6), Respondent admits that he
24 telephoned his wife from his chambers to inquire as to the
25 whereabouts of his stepsons. This call took place in the presence
26 of the law enforcement officers.

27 (7) Answering Paragraph (7), Respondent admits that he took
28

1 the law enforcement officers and the search warrant documents to
2 Judge McGuire not for the apparent purpose of turning the decision
3 on the search warrant over to Judge McGuire, but for the actual
4 purpose of turning that decision over to Judge McGuire.

5 (8) Answering Paragraph (8), Respondent admits that he
6 remained in Judge McGuire's chambers.

7 (9) Answering Paragraph (9), Respondent admits that he
8 remained in the chambers of Judge McGuire and consented to a
9 voluntary search of the premises sought to be searched by the peace
10 officers and except as admitted, denies the remaining allegations
11 of said paragraph.

12 Respondent affirmatively alleges that the reason he
13 accompanied the officers from his chambers to Judge McGuire's
14 chambers was to avoid the appearance of any impropriety on his part
15 by going home (it was then after 4:30 p.m., December 16, 1993) and
16 leaving the officers with the uncomfortable knowledge that
17 Respondent was going to be at the very residence that the officers
18 sought to search.

19 Respondent wanted to ensure that the officers did not
20 think that Respondent would call his stepson concerning their
21 request for a warrant.

22 (10) Answering Paragraph (10), Respondent admits that the
23 subject of the officers' knowledge as to the genuineness of the
24 artifacts to be seized was a subject discussed on December 16,
25 1993. However, Respondent has no recollection as to whether that
26 subject was raised by Respondent, by Judge McGuire, or by
27 Respondent's wife at the time of the consent search at Respondent's
28

1 residence on December 16, 1993.

2 (11) Answering Paragraph (11), Respondent admits inquiring of
3 the officers regarding the possible criminal consequences for his
4 stepson, and except as admitted, denies each and every remaining
5 allegation of said paragraph.

6 (12) Answering Paragraph (12), Respondent admits that he was
7 present when the subject of the consequences of an unsuccessful
8 search were discussed. Respondent affirmatively alleges that these
9 discussions were in the context of the officers advising Judge
10 McGuire that they had a companion warrant issued in Riverside
11 County that could only be served in the day time. That they
12 planned to serve the Riverside County warrant and the warrant they
13 were then seeking in San Bernardino County simultaneously the
14 following day, December 17, 1993.

15 The officers further indicated that they did not have the
16 manpower to serve the warrants on December 16, 1993. There was
17 discussion that if a warrant were issued by Judge McGuire on
18 December 16, 1993, but not served until December 17, 1993 and the
19 warrant, because of the delay in its being served, yielded nothing
20 at the residence owned by the Respondent, that Respondent could be
21 criticized on the basis that he might have told his stepson of the
22 existence of the warrant between the issuance of the warrant on
23 December 16 and the service of the warrant on December 17. While
24 Respondent would not in fact have done such a thing, he could be
25 criticized if the warrant produced none of the requested artifacts.
26 Except as admitted, Respondent denies each and every remaining
27 allegation of said paragraph.
28

1 (13) Answering Paragraph (13), Respondent admits that he was
2 present during discussions exploring possible alternatives to
3 executing the search warrant, including a consent search.
4 Respondent's recollection is that the issue of the possibility of
5 a consent search was raised either by Deputy District Attorney
6 Linda Root or by Judge McGuire and, during that portion of the
7 discussion, Respondent agreed to a consent search of his residence.

8 Except as admitted, Respondent denies the remaining
9 allegations of said paragraph.
10

11 Respondent affirmatively alleges that his reason for
12 agreeing to a consent search was to allow the officers immediate
13 access to the residence they sought to search and to take with them
14 the items set forth in the search warrant. Respondent was
15 concerned that if a warrant was issued on December 16, but not
16 served until December 17, and if the warrant failed to yield the
17 requested items, that that fact would adversely reflect upon the
18 institution of the judiciary and upon the Respondent.

19 (14) Answering Paragraph (14), Respondent has no information
20 or belief and upon such lack of information or belief, denies each
21 and every allegation of said paragraph.

22 Respondent affirmatively alleges that the officers came
23 to court in the late afternoon of December 16, 1993, for the
24 purpose of obtaining a search warrant to obtain possession of a
25 metate, manos, and an olla and, that evening in fact searched the
26 premises they sought to search and took with them the items set
27 forth in the warrant.

28 (15) Answering Paragraph (15), Respondent admits the

1 allegations of said paragraph.

2 Respondent affirmatively alleges that Deputy District
3 Attorney Root was called to Judge McGuire's chambers concerning all
4 issues then being discussed.

5 (16) Answering Paragraph (16), Respondent admits that he did
6 not inform Deputy District Attorney Root that he did not reside at
7 the subject premises. However, the reason that Respondent did not
8 so inform Ms. Root is because Respondent and his wife in fact:

9 (a) jointly held title to said residence;

10 (b) resided part-time at Judge Swift's residence in
11 Yucca Valley and part-time in the subject Joshua Tree residence;

12 (c) Respondent's wife, in December of 1993, had two of
13 her sons by a previous marriage living at the Joshua Tree
14 residence, a sixteen year old teenager and a twenty year old adult;

15 (d) Respondent and his wife ate dinner at the Joshua
16 Tree residence with her sons on an average of six to seven nights
17 each week;

18 (e) Respondent and his wife stayed overnight in the
19 Joshua Tree residence an average of two to three evenings per week.
20 On the evenings she did not stay overnight, she was at the
21 residence the next morning by 7:00 a.m.;

22 (f) Tony Soares stayed in the Joshua Tree residence
23 approximately three nights per week on average, living the rest of
24 the time in Palm Springs with his girlfriend;

25 (g) The bedroom occupied by Tony Soares when he stayed
26 at the residence was a room that Respondent and his wife had access
27 to at anytime. The family goes through this room upon occasion to
28

1 the pool area and frequently take guests and visitors to see the
2 pottery that Tony Soares had made in the same manner as Native
3 Americans.

4 (17) Answering Paragraph (17), Respondent denies each and
5 every allegation of said paragraph and affirmatively alleges that
6 he in fact did have the legal authority to consent to a search of
7 the premises.

8 (18) Answering Paragraph (18), Respondent admits the
9 allegations of said paragraph.

10 (19) Answering Paragraph (19), Respondent denies all of the
11 allegations of said paragraph and affirmatively alleges that Judge
12 McGuire offered to sign the search warrant, noting that there was
13 a potential problem (as expressed hereinabove in Paragraph (12) of
14 this Answer) due to the officers' inability to serve the warrant
15 before the next day. This led to discussions concerning the issue
16 of a consent search that would allow the officers to go to the
17 residence immediately on December 16 and seek to obtain the items
18 sought by the warrant. Judge McGuire provided one of the officers
19 with his home telephone number so that if the officer after going
20 out to conduct a consent search wanted the warrant signed, Judge
21 McGuire would authorize the issuance of the warrant.

22 (20) Answering Paragraph (20), Respondent admits that he
23 signed a document consenting to a search of the subject premises,
24 and except as admitted, denies each and every remaining allegation
25 of said paragraph. Respondent did not sign a document purporting
26 to give consent, he signed a document that did in fact give consent
27 to a voluntary search of the subject premises.
28

1 (21) Answering Paragraph (21), Respondent admits the
2 allegations of said paragraph.

3 (22) Answering Paragraph (22), Respondent has no information
4 or belief as to how the law enforcement officers felt by his
5 presence and whether they limited the scope and duration of their
6 search because of his presence, and basing his answer upon such
7 lack of information or belief denies the allegations of this
8 paragraph.

9 Respondent affirmatively alleges that when the officers
10 came to the courthouse on December 16, 1993, they sought a search
11 warrant to obtain possession of a metate, manos, and an olla. They
12 went to the residence pursuant to the voluntary consent search,
13 found and took with them the items set forth in their search
14 warrant affidavit. In fact, the evidence report filed by the
15 officers notes a total of thirty-five (35) items taken from the
16 subject premises. The officers went through dresser drawers and
17 had complete and unfettered access to the residence.

18 (23) Answering Paragraph (23), Respondent has no information
19 or belief to enable him to answer the allegations of this
20 paragraph, and on the basis of such lack of information or belief,
21 denies each and every allegation thereof.

22 Respondent affirmatively alleges that Paragraph (23) is
23 vague in that it cannot be ascertained when and where the alleged
24 conversation took place, what was discussed, and who was present.

25 Respondent denies that he ever told Deputy District
26 Attorney Pyle that charges should be filed against his stepson and
27 that his stepson would plead guilty.
28

1 After the District Attorney declined to file charges,
2 Respondent told Mr. Pyle that the District Attorney should have
3 filed the case to let the courts decide the issue of the validity
4 of the search.

5 (24) Answering Paragraph (24), Respondent admits that the
6 District Attorney for San Bernardino County declined to prosecute
7 Tony Soares. Respondent lacks information or belief to answer the
8 allegation as to what was in the mind of the District Attorney as
9 to why it declined to prosecute, and basing his answer upon such
10 lack of information or belief, denies each and every remaining
11 allegation of said Paragraph (24).

12 Respondent affirmatively alleges that the consent search
13 was in fact valid:

14 (a) for all of the reasons set forth in Paragraph (16)
15 above;

16 (b) two of the categories of items sought by the
17 officers, namely, the metate and the manos were in plain view,
18 which would have made them immune from any successful future attack
19 on the validity of the consent search;

20 (c) Respondent is informed and believes and upon such
21 information and belief alleges that the primary reason for the
22 District Attorney declining to file charges was because there was
23 insufficient evidence of the commission of any crime by Tony
24 Soares. That the District Attorney's Office published its
25 rejection of the filing of a criminal complaint in or around May 3,
26 1994 during an election campaign wherein a then active Deputy
27 District Attorney, in the Joshua Tree Branch Office, Gordon Isen,
28

1 and a former San Bernardino County Deputy District Attorney and
2 Respondent's predecessor as Judge of the Morongo Basin Municipal
3 Court, Richard Crouter, were running against Respondent for the
4 judicial seat held by Respondent. That members of the Joshua Tree
5 Branch of the San Bernardino County District Attorney's Office were
6 actively seeking removal of the Respondent because he was not as
7 responsive to the wishes of their office as they felt a present or
8 former member of their office would be, if elected. The District
9 Attorney's Office at all times had the right to file charges
10 against Tony Soares if it believed that in fact there was evidence
11 to prove that he had committed a crime. The issue of the propriety
12 of the consent search could have been determined by an
13 independently assigned Judge from San Bernardino County, or another
14 county, rather than determining the propriety of the search in the
15 newspapers during an election campaign. By declining to file
16 charges against Mr. Soares and apparently claiming that their
17 primary reason was because of an invalid consent search, the
18 District Attorney's Office caused the issue to become political
19 rather than leaving it in the legal arena where it should have been
20 determined.

21 Dated: March 18, 1996.

JONES, MAHONEY, BRAYTON & SOLL

22
23
24 By: Thomas C. Brayton
25 Thomas C. Brayton
26 Attorneys for Respondent
27
28

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I have read the foregoing Verified Answer of Bert L. Swift to the Notice of Formal Proceedings Dated February 6, 1996 and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☐ an Officer ☐ a partner ☐ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on March 18, 1996, at Joshua Tree, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bert L. Swift

Type or Print Name

Signature

PROOF OF SERVICE

IVISA (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On _____, 19____, I served the foregoing document described as _____

_____ on _____ in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ *I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.

Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, 19____, at _____, California.

☐ ** (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 19____, at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

STUART'S EXEMPTOR TIME SAVER REVISED 5/1/88

NEW DISCOVERY LAW 2000 AND 2001 CCP

(May be used in California State or Federal Courts)

BY MAIL SIGNATURE MUST BE ON PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG.

** (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

IN SAN DIEGO COUNTY LOCAL RULE 87 REQUIRES ALL PROOFS OF SERVICE FILED WITH THE COURT AS OF JULY 1, 1997 MUST SPECIFY THE NAME OF THE PARTY SERVED, THE NATURE AND DATE OF SERVICE, AND THE NAME, ADDRESS AND PHONE NUMBER OF COUNSEL OF RECORD.

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8 STATE OF CALIFORNIA
9 BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE
10

11 INQUIRY CONCERNING A JUDGE,
12 NO. 134.

13 NOTICE OF FORMAL PROCEEDINGS
14

15 To JUDGE BERT L. SWIFT, a judge of the San Bernardino County Municipal Court,
16 Morongo Basin Division, from January 3, 1989, to the present, and at all relevant times therein:

17 Preliminary investigation pursuant to California Rules of Court, rules 904 and 904.2, having
18 been made, the Commission on Judicial Performance has concluded that formal proceedings should
19 be instituted to inquire into the charges specified against you herein.

20 By the following allegations, you are charged with willful misconduct in office, conduct
21 prejudicial to the administration of justice that brings the judicial office into disrepute, improper
22 action, and dereliction of duty within the meaning of Article VI, section 18 of the California
23 Constitution providing for removal, censure, or public or private admonishment of a judge, to wit:
24
25

1) 26 [On December 16, 1993, Todd Swain and Marion Damiano-Nittoli, law enforcement officers
27 of the National Park Service, appeared at your chambers seeking the issuance of a search warrant]

2) 28 [The search warrant and supporting affidavit specified that the premises to be searched were the

1 residence of a Tony Soares, located at 82528 Quail Springs Road in Joshua Tree, and that the items
2 to be seized were Native American artifacts allegedly stolen from Joshua Tree National Monument.]

(3) 3 [You indicated to the law enforcement officers that the premises described in the search
4 warrant documents were owned by you and/or your wife, and that Tony Soares was your stepson.]

(4) 5 [Despite this conflict of interest] ⁽⁵⁾ [You continued to read the search warrant documents] ⁽⁶⁾ [and telephoned
6 your wife from your chambers to inquire as to the whereabouts of your stepson, in the presence of
7 the law enforcement officers.]

(7) 8 [You then took the law enforcement officers and the search warrant documents to Superior
9 Court Judge James McGuire in his chambers, for the apparent purpose of turning the decision on the
(8) 10 search warrant over to Judge McGuire.] [Despite your conflict of interest and your acknowledgment
(9) 11 thereof, you remained in Judge McGuire's chambers] [and participated in the ensuing decision-making
12 process regarding the search of the subject premises.]

(10) 13 [You participated in questioning the law enforcement officers regarding the basis of their
(11) 14 knowledge as to the genuineness of the artifacts to be seized.] [You participated in questioning the
15 law enforcement officers regarding the possible criminal consequences for your stepson.] [You
(12) 16 participated in discussions regarding potential political consequences that a search of the subject
(13) 17 premises might have on your judicial reelection campaign.] [You participated in discussions exploring
18 possible alternatives to executing the search warrant, including a consent search.]

(14) 19 [These discussions became intimidating and a matter of concern to the law enforcement
(15) 20 officers.] [Deputy District Attorney Linda Root was called to Judge McGuire's chambers to advise
21 the law enforcement officers regarding the propriety of a consent search] ⁽¹⁶⁾ [You, however, failed to
22 inform Ms. Root that you did not reside at the subject premises] ⁽¹⁷⁾ [You incorrectly represented that
(18) 23 you had the legal authority to consent to a search thereof.] [You also represented that you could
24 obtain your stepson's consent to the search.]

(19) 25 [Judge McGuire, despite appearing to find probable cause to issue the search warrant, decided
26 to proceed with a search by consent in lieu of a search by warrant] ⁽²⁰⁾ [You signed a document
27 purporting to give your consent to a search of the subject premises] ⁽²¹⁾ [When the law enforcement
28 officers went to the subject premises to conduct the search, you accompanied them.] [The law
29

enforcement officers seized some items, but, because they felt restricted by your presence, they limited the scope and duration of their search.]

[Thereafter, you engaged in conversation with Deputy District Attorney Ray Pyle, in which you improperly exhibited advocacy and a continuing involvement in the case. You inquired of Mr. Pyle as to the status of the case against your stepson. When Mr. Pyle informed you that a decision had not yet been made, you told Mr. Pyle that charges should be filed against your stepson, and that he would plead guilty.] [Ultimately, the Office of the District Attorney for San Bernardino County declined to prosecute your stepson, Tony Soares, for any crime related to the seized items, primarily, because your consent to search was invalid.]

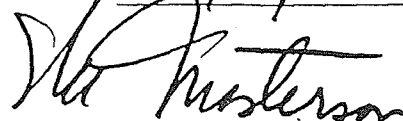
YOU ARE HEREBY GIVEN NOTICE, pursuant to California Rules of Court, rule 905, that formal proceedings have been instituted and shall proceed in accordance with California Rules of Court, rules 901-922.

Pursuant to California Rules of Court, rule 906, you have the right to file a written answer to the charges against you within fifteen (15) days after service of this notice upon you. An original and eleven (11) legible copies of the answer may be filed with the Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, California 94105. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This notice of formal proceedings may be amended pursuant to California Rules of Court, rule 911.

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: 2/6/96



CHAIRPERSON

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing

and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an Officer ☐ a partner ☐ a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on, 19, at, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

PROOF OF SERVICE

1013A (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of LOS ANGELES, State of California.

I am over the age of 18 and not a party to the within action; my business address is:

150 West First Street, Suite 280, Claremont, CA 91711

On March 16, 1996, I served the foregoing document described as

Verified Answer of Bert L. Swift to the Notice of Formal Proceedings
Dated February 6, 1996

on All Interested Parties in this action

☒ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

Commission on Judicial Performance
Attn: Jack Coyle, Trial Counsel
101 Howard Street, Suite 320
San Francisco, CA 94105

MAR 19 1996

☒ MAIL Original by Federal Express

☒ *I deposited such envelope in the mail at Claremont, California.
The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 16, 1996, at Claremont, California.

☐ *(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on, 19, at, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Carole M. Ramaley

Type or Print Name

STUART'S EXBROOK TIMESAVER (REVISED 5/1/88)

NEW DISCOVERY LAW 2030 AND 2031 C.C.P.

(May be used in California State or Federal Courts)

Signature

*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

** (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)